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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,870	12/05/2003	Gerald R. Harris		8489

24919 7590 08/05/2005

MCAFFEE & TAFT  
TENTH FLOOR, TWO LEADERSHIP SQUARE  
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OKLAHOMA CITY, OK 73102

EXAMINER

RIDLEY, RICHARD

ART UNIT PAPER NUMBER

3651

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/729,870

Applicant(s)

HARRIS, GERALD R.

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-29, 30, 32, 34, 38-44 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 6-10, 18-27, 30 and 32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 14, 34 and 38-44 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 17 and 28 is/are rejected.
- 7) ☒ Claim(s) 5, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. USP 5,353,910. Harris discloses a similar device comprising a(n):

- Conveyor (at least fig. 6)
- Shuttle vise (36c)
- Jaws (41c, 41c')
- Reaction system (37c)
- Feed table frame (fig. 6)
- Upper guide (67c)
- First and second columns (40c, 40c')
- Clamping actuator (69c)

3. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Shill et al. USP 5,944,477. Shill discloses a similar device comprising a(n):

- Conveyor (at least fig. 1)
- Shuttle vise comprising:

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- First and second columns (29, 30)
  - Upper guide rail (jaws 40 & 42 ride along an upper guide rail that interconnects the first and second columns)
  - Jaws (40, 42)
- Reaction system comprising a clamping force bar (35) disposed adjacent to the upper guide bar
- Clamping actuator (48)

*Allowable Subject Matter*

4. Claims 5, 15 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments filed have been fully considered but they are not persuasive.

The applicant argues that Claim 1, as newly amended, clarifies that the clamping force is not applied to the conveyor.

In response the examiner notes that Hanis et al. '910, disclose all of the claim structural limitations of the apparatus claim and therefore anticipates the claim. Further, even if the examiner were to give patentable weight to the added phrase, the examiner notes figure 5 of Harris.

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Regarding Shill '477, the applicant argues "...Shill is not an apparatus for moving a workpiece along a conveyor to a machine tool. Thus, it cannot be a basis for rejecting claim 28 under 35 U.S.C. j 102(b) for rejecting claim 28."

In response, the examiner notes that claim 28 is an apparatus claim and shill discloses all of the claimed structural limitations therefore anticipates the claim.

Additionally, regarding Shill, the applicant argues that Shill does not have a shuttle vise, and that the shuttle vise is not moveably disposed on the conveyor.

- In response the examiner notes Shill discloses a Shuttle vise comprising:
  - First and second columns (29, 30)
  - Upper guide rail (jaws 40 & 42 ride along an upper guide rail that interconnects the first and second columns)
  - Jaws (40, 42)
- Reaction system comprising a clamping force bar (35) disposed adjacent to the upper guide bar
- Clamping actuator (48)

The Shuttle vice of Shill is indeed movably disposed on the conveyor.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

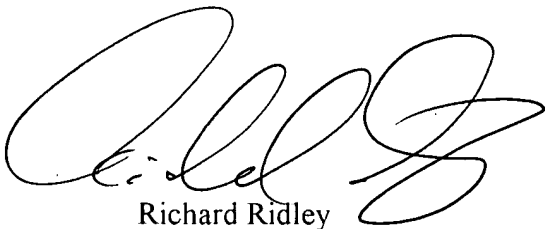
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (571) 272-6917. The examiner can normally be reached on Mon-Fri 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Richard Ridley', with a large, stylized flourish at the end.

Richard Ridley  
1 Aug 2005

Richard Ridley  
Primary Examiner  
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